

# *Virginia Regulatory Town Hall*

## Notice of Intended Regulatory Action Agency Background Document

<b>Agency Name:</b>	Department of Education
<b>VAC Chapter Number:</b>	630
<b>Regulation Title:</b>	Standards for Remedial Programs
<b>Action Title:</b>	Pre-NOIRA submission of new regulation
<b>Date:</b>	12/30/99

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) for more information.

### Purpose

*Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of a new or amended regulation.*

The purpose of the regulation is to set forth procedures for collecting, analyzing, and evaluating data regarding five specified state-funded remediation programs in order to determine the effectiveness and efficiency of these programs.

### Basis

*Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and web site addresses, if available, for locating the text of the cited authority must be provided.*

**Section 22.1-199.2** of the Code of Virginia (Code) requires the Board of Education to promulgate all necessary regulations to implement the provisions of this act for remedial summer school and Standards of Learning assessment remediation programs by August 1, 1999 as well as for Standards of Quality remediation, dropout prevention programs and at-risk add-on program by August 1, 2000.

**Section 22.1-253.13:1C Standard 1** of the Code requires local school boards to implement programs of remediation for students educationally at-risk, including but not limited to, those whose scores are in the bottom national quartile of the Stanford 9, who do not pass the Literacy Passport Test or who fail to achieve a passing score on any Standards of Learning assessment in grades three, five and eight. This section also requires the Board of Education to establish standards for full funding of summer remedial programs that shall include, but not be limited to, the minimum number of instructional hours and an assessment system designed to evaluate program effectiveness.

### Substance

*Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.*

New regulations will be promulgated to govern the following five remedial programs: 1) Regulations Establishing Standards for Remedial Summer Schools, 2) Standards of Learning Assessment Remediation, 3) Standards of Quality Remediation, 4) Dropout Remediation Programs, and 5) At-Risk Add-On Programs.

The content of the regulation will consist of language to establish standards and reporting requirements for the identified remedial programs enabling the Board of Education to annually collect, analyze and evaluate data and to evaluate such programs.

### Alternatives

*Please describe, to the extent known, the specific alternatives to the proposal that have been considered and will be considered to meet the essential purpose of the action.*

Two focus groups, comprised of representatives from over a dozen school divisions, have met with Department of Education staff for the specific purpose of discussing ways to ensure minimizing the burden of the proposed regulations. The proposed language that will be put forth will be the minimal requirements necessary to satisfy the data elements and expectations of the General Assembly, as specified in 22.1-199.2 of the Code.